

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. _____

(CLERK'S OFFICE USE ONLY)

CHESAPEAKE

Circuit Court

CHUN KIM, Administratrix to the Estate of Pyong Tok Lee v./In re: Neelkumar Patel and KK Carriers Services, LLC

PLAINTIFF(S)

DEPENDANT(S)

I, the undersigned [] plaintiff [] defendant [x] attorney for [x] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[x] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[] Divorce (select one)
[] Complaint - Contested*
[] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[x] Damages in the amount of \$ _____ are claimed.

3/10/2022

DATE

Martin A. Thomas, VSB # 18670

PRINT NAME

109 East Main St., Ste. 200, Norfolk, VA 23510

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(757) 622-3317

mthomas@decklaw.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR CHESAPEAKE

CHUN KIM, Administratrix
of the Estate of
PYONG TOK LEE, deceased

Plaintiff,

vs.

AT LAW NO: CL
REQUEST FOR JURY TRIAL

NEELKUMAR PATEL,

and

KK CARRIERS SERVICES, LLC,

Defendants.

COMPLAINT

NOW COMES your Plaintiff, CHUN KIM, Administratrix of the Estate of PYONG TOK LEE, deceased, and hereby moves the Circuit Court of the City of Chesapeake, Virginia at the Courthouse thereof, for judgment against the Defendants, NEELKUMAR PATEL and KK CARRIERS SERVICES, LLC, jointly and severally, in the sum of TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00), for this, to-wit:

1. That on or about November 6, 2021 you plaintiff's decedent, Pyong Tok Lee, operated and controlled a certain motor vehicle in an easterly direction on Route 58 approaching its intersection with Snowden Street in the City of Chesapeake, Virginia.

2. At the same time and place, the defendant, Neelkumar Patel, operated and controlled a certain tractor trailer/motor vehicle in a northerly direction on Snowden Street crossing at its intersection with Route 58 in the City of Chesapeake, Virginia.

3. At the same time and place, th defendant operated and controlled said motor vehicle in

a negligent, careless, and reckless manner, failing to keep proper lookout, failing to obey a highway sign, and failing to yield the right of way, thereby causing his vehicle to collide with the vehicle being operated by plaintiff's decedent.

4. At all times relative hereto, the defendant, Neelkumar Patel, operated and controlled said motor vehicle within the course and scope of his employment with the defendant KK Carriers Services, LLC.

5. That the defendant, KK Carriers Services, LLC is a limited liability company, organized and existing under the laws of the State of Georgia.

6. Plaintiff's decedent, Pyong Tok Lee died as a result of the accident caused by the negligence of the defendant as aforesaid on November 6, 2021.

7. That on January 28, 2022, Chun Kim was appointed as administrator for the Estate of the decedent, Pyong Tok Lee by the Circuit Court of the City of Chesapeake.

8. That the beneficiaries of the Estate of Pyong Tok Lee, deceased, are:

- a. Chun Kim, his spouse
- b. Hyok Chin Lee, his son
- c. Seung Chin Lee, his son
- d. Yong Chin Lee, his son

9. That as the Administratrix of the Estate of Pyong Tok Lee, deceased, your plaintiff is entitled to recover damages for the said beneficiaries for the following:

- a. For the pecuniary loss sustained by the said beneficiaries;
- b. Compensation for the loss of the decedent's care, attention, and society;
- c. For the solace and comfort to the said beneficiaries;
- d. For the sorrow, suffering, and mental anguish occasioned by his death;

- e. For the benefit of the wages which your plaintiff's decedent would have earned, had he lived his normal life expectancy and for the funeral expenses of the decedent and any actual hospital, medical and ambulance expenses incurred by or on behalf of the decedent as a result of the negligence of the defendants.

WHEREFORE, your Plaintiff, CHUN KIM, Administratrix of the Estate of PYONG TOK LEE, deceased, moves this honorable court for judgment against the defendants, NEELKUMAR PATEL And KK CARRIERS SERVICES, LLC, jointly and severally, in the sum of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00), as general damages, plus interest.

CHUN KIM, Administratrix of the Estate of PYONG
TOK LEE, deceased

By: 

Of Counsel

Martin A. Thomas, (VSB #18670)
DECKER, CARDON, THOMAS, WEINTRAUB & NESKIS
109 E. Main Street, Suite 200
Norfolk, Virginia 23510
Telephone: (757) 622-3317
Facsimile: (757) 626-0562

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Case No. CL

CHESAPEAKE

Circuit Court

CHUN KIM, ADMINISTRATRIX of the ESTATE OF PYONG TOK LEE

V.

NEELKUMAR PATEL

c/o Decker, Cardon, Thomas, Weintraub & Neskis, P.C.

87 Woodland Court

109 E. Main Street, Suite 200, Norfolk, VA 23510

Dallas, Georgia 30132

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint ☐ Notice
☐

I, the undersigned Affiant, state under oath that

☒ the above-named defendant ☐
whose last known address is ☒ same as above ☐

1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).

2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

03/10/2022

DATE

☐ PARTY ☐ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEE

State of VIRGINIA ☒ City ☐ County of NORFOLK

Acknowledged, subscribed and sworn to before me this day by MARTIN A. THOMAS

PRINT NAME OF SIGNATORY

3/10/2022

DATE

Rebecca A. Baker

☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. 7100407

My commission expires: 10/31/2023

☐ Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

- On , legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
- On , papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Case No. CL

CHESAPEAKE

Circuit Court

CHUN KIM, ADMINISTRATRIX of the ESTATE OF PYONG TOK LEE

V.

KK CARRIERS SERVICES, LLC, c/o Umer Rafiq, Registered Agent

c/o Decker, Cardon, Thomas, Weintraub & Neskis, P.C.

211 Arbor Creek Drive

109 E. Main Street, Suite 200, Norfolk, VA 23510

Dallas, Georgia 30157

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Attachments: ☒ Summons and Complaint ☐ Notice
☐

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☒ the above-named defendant ☐
whose last known address is ☒ same as above ☐

- ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).
- ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

03/10/2022

DATE

☐ PARTY ☐ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEE

State of VIRGINIA

☒ City ☐ County of NORFOLK

Acknowledged, subscribed and sworn to before me this day by MARTIN A THOMAS
PRINT NAME OF SIGNATORY

3/10/22
DATE

Rebecca A. Baker
☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. 71.00407 My commission expires: 10/31/2023

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SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

REBECCA A. BAKER
Notary Public
Commonwealth of Virginia
Registration No. 7100407
My Commission Expires Oct 31, 2023